IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION No.17223 of 1998

Between:

P.Bhoomaiah, S/o Bheemalingam,
R/o Karimnagar District.

..... PETITIONER

AND

1 The Industrial Tribunal-cum-Labour Court, Rep by its Presiding Officer, Godhavarikhani, Karimnagar Dist.
2 The Depot Manager, A.P.S.R.T.C., Jagatial Depot.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or Writ particularly one in the nature of Writ of Certiorari and after calling the records in I.D.No.155/93 on the file of the 1st Respondent and quash the award dt.7-10-96 passed by the 1st respondent and consequently direct the 2nd Respondent to reinstate the petitioner into service with continuity of services, back wages and other attendant benefits.

Counsel for the Petitioner: Mr. G.RAVI MOHAN

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2: Smt. P. Rajani Reddy

The Court made the following :

ORAL ORDER:

This Writ Petition is filed by the workman being aggrieved by the Award passed by the Industrial Tribunal-cum-Labour Court, Godavarikhani in I.D.No.155 of 1993, dated 7-10-1996, wherein the claim petition filed by him was dismissed.

The petitioner laid a claim under Section 2-A(2) of the Industrial Disputes Act,1947 (for short 'the Act') seeking to set aside the dismissal order dated 16-3-1997 passed by the Depot Manager, APSRTC, Jagtial – 2nd respondent herein – on the ground that he produced a fake driving licence at the time of his appointment as Driver in the respondent-Corporation. A detailed enquiry was conducted in which the petitioner participated. The Enquiry Officer found that the licence held by the petitioner was a fake one, on the basis of the letter issued by the Licensing Authority at Bhopal in Madhya Pradesh. A detailed rejoinder was also filed by the respondent-management before the Labour Court. However, no oral or documentary evidence was let in by either party before the Labour Court. The Labour Court, on the basis of the material made available before it, concurred with the findings of the disciplinary authority and dismissed the claim of the petitioner. Aggrieved by the same, the present Writ Petition is filed.

I have heard the learned counsel for the parties and gone through the impugned Award and other material made available on record.

Learned counsel for the petitioner submitted that the findings of the Labour Court are perverse and deserve to be set aside.

At the time of appointment as Driver in the respondent-Corporation, the petitioner produced a driving licence alleged to have been issued by the Road Transport Officer at Bhopal and when a complaint was received that the driving licence held by the petitioner was fake one, the Security Sub-Inspector of the respondent-Corporation was sent to Bhopal for enquiry. On enquiries, it was

revealed that the authorities at Bhopal never issued such a certificate and to that extent they gave a letter. Learned counsel for the petitioner, except saying that the said authority at Bhopal was not examined before the Enquiry Officer, no other ground is urged. If really, the petitioner's licence was genuine one, nothing prevented him from approaching the licensing authority at Bhopal and getting a certificate that the licence produced by him before the Corporation authorities at the time of securing employment is a genuine one. But, no such effort was made by the petitioner. Therefore, the finding of the Enquiry Officer as confirmed by the Labour Court that the licence produced by the petitioner was not a genuine one cannot be found fault with. The Writ Petition is devoid of merits and liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

Learned counsel for the petitioner, however, submits that recently the respondent-Corporation issued a Circular asking all the drivers, who have produced fake licences to get genuine licence from the authorities in the State and on production of such licences, their cases may be reconsidered. This order will not preclude the petitioner from making a representation in this regard and also will not prevent the authorities from considering the said representation, as per law.

14-6-2005

prk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Presiding Officer, Industrial Tribunal-cum-Labour Court,
Godhavarikhani, Karimnagar District.
2 The Depot Manager,
A.P.S.R.T.C., Jagatial Depot.

3 2 CCs to Government Pleader for Labour, High Court Buildings, Hyderabad (OUT)

4 CD copies